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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,965	04/25/2001	Markus Baumeister	DE000071	6068

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BRIARCLIFF MANOR, NY 10510

EXAMINER

LEMMA, SAMSON B

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/841,965

Applicant(s)

BAUMEISTER ET AL.

Examiner

Samson B Lemma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. Claims **1-5** have been examined.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119 (a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 is indefinite because it recites "tree (14) " which is not found in the the accompanied drawing on figure 6, and in the submitted specification. It is therefore being corrected to "tree (15)" to avoid ambiguity. (The correction is given in light of the submitted specification as explained on page 5, line 12 and page 4, line 4 and figure 6, ref. Num "15")

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. **Claims 1-4** are rejected under 35 U.S.C. 102(a) as being anticipated by Peterka, (hereinafter referred as Peterka)(International Publication Number: WO 99/66714)

7. **As per claim 1, Peterka discloses**

- A network comprising terminals and a software system distributed over all the terminals, (page 13, lines 6-8; page 14, lines 20-24; figure 1, ref. Num “100”, ref. Num “120”; ref. Num “160”)(A network or the digital television broadcast network has the software system or the software application distributed or broadcasted to each terminals or receivers as explained on page 14, lines 20-24; the terminal is interpreted as “television receiver” and this interpretation is given in light of the submitted application as it is defined on page 3, lines 1-3) characterized

- In that the network comprises at least an access controlled object (14) (page 15, lines 2-6; page figure 2, ref. Num “161” ; page 17, lines 27-31; page 18, lines 1-3; page

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18, lines 24-29) (the "controlled objects" is interpreted by the office to be the "receiver functionalities or resources and/or user data" that are invoked or accessed in the terminal or in side the receiver at the block called "receiver function" as shown on figure 2, ref. Num "161" by either the software application file or "software system" as explained on page 15, lines 2-6; page 17, lines 18-31. In response to the software distributed over the terminals or the receiver, application execution module which is shown on figure 2, ref. Num "230" tries to invoke or access a receiver function including access to user private data as explained on page 17, lines 25-31).and

- In that the software system includes at least a filter (9) which is provided for evaluating the access rights of a user for an access controlled object (14) based on data which are not available until the time of access.(page 18, lines 24-30; figure 1, ref. Num "220") (A "filter" is interpreted by the office to be the "Permission code module 220" which is provided for evaluating the access rights of the user or the application for accessing the controlled objects or receiver functionalities or resources or user data under the control of the "Access Controller" as shown on figure 2, ref. Num "240" based on the data that are not available until the time of the access or "condition code module 225" as shown on figure 2, ref. Num "225" and as explained on page 19, lines 6-18)

8. **As per claim 2, Peterka** discloses a network as applied to claim 1 above. Furthermore, Paterka discloses a network, characterized in that during the access to the access controlled object the filter (9) is provided for evaluating additionally occurring data, and in that the filter is provided for monitoring the change of the access rights and for triggering the withdrawal of the access rights to the access controlled object.(figure 3, ref. Num "380", ref. Num "370",ref. Num "360") (As explained above first the application is checked whether or not it has the permission to access or invoke the function or the controlled object by the filter or the "Permission code

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module 220" as shown on figure 2, ref. Num "220" under the control of the "Access Controller" as shown on figure 2, ref. Num "240" and also figure 3, then the filter or the "permission code module 220" is provided with "condition code module 225" shown on figure 2, for monitoring the change of the access rights and for triggering the withdrawal of the access rights under the control of the "Access Controller" and if there is indeed a change of the access rights the "condition code module" is checked by the "Access Controller" and the filter which is interpreted by the office to be "Permission code module 220" as shown on figure 2 is provided with a controller called the "Access controller" which will trigger the withdrawal of the access rights as shown on figure 3, ref. Num "390")

9. **As per claim 3, Peterka** discloses a network as applied to claim 2 above. Furthermore, Paterka discloses a network, characterized in that in the software system, after an application (10) has been used, a method (11) provides a software component referred to as resource manager (12) for withdrawing the access rights. (page 22, lines 22-31; figure 3, ref. Num "390")(the resource manger is interpreted by the office to be the "Access controller". After an application is used or after an application gets the first permission to the controlled object, the "Access Controller" continues to check the current condition dynamically for withdrawing the access rights as shown on figure 3, ref. Num 390 and explained on page 19, lines 6-18 and page 21, lines 11-31, page 22, lines 22-31)

10. **As per claim 4, Peterka** discloses a network as applied to claim 3 above. Furthermore, Paterka discloses a network, characterized in that the software system includes a software component referred to as access right manager (8) which, together with the filter (9), is instructed by the resource manager (12) to check the access rights.(figure 2, ref. Num "240", ref. Num "250" and ref. Num "220"; page 18, lines 24-30; page 19, lines 6-18; page 19, lines 24-31)

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(The access right manager which is interpreted by the office to be the "Security Policy" which manages the access rights of the application as shown on figure 2, ref. Num "250" and the filter or the "Permission code Module 220" as shown on figure 2 are both controlled and instructed by the resource manager or "Access Controller" which is shown on figure 2, ref. Num 240" and explained on page 18, lines 24-30; page 19, lines 6-18; page 19, lines 24-31)

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over , Peterka, (hereinafter referred as Peterka)(International Publication Number: WO 99/66714) in view of "Brown et al. (hereinafter referred to as Brown) (U.S. Patent No. 5,941,947)

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13. **As per claim 5**, **Peterka** discloses the access right manager which is interpreted by the office to be the "Security Policy" has a data structure for listing and accessing the permission of the associated controlled objects or functionalities and lists the name of the associated permission.(page 20, lines 15-18; page 4, lines 5-6). Furthermore Peterka discloses that "resource manager " which is interpreted by the office to be the "Access Controller" checks the access right manager or the "Security Policy" to check the appropriate permission.(page 19, lines 24-29)

Peterka does not explicitly disclose

A network as claimed in claim 4, characterized in that the access right manager (8) has a data structure in the form of a tree (15) for arranging access controlled objects (14) and in that the tree (14) includes a plurality of nodes (35 to 44) which each contain a list of permitted users or user groups respectively, of an access controlled object and for each user or user group respectively, include a list of methods of use.

However, in the same field of endeavor, **Brown** discloses that on-lines services or directory services maintains a directory structure of the content objects that are accessible to the user with the content objects forming nodes of the tree-like directory structure or data structure. This data structure provides a hierarchical navigable view of content. (column 2, lines 38-46)

Accordingly, It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add the tree node data structure as per teachings of Brown in to the method taught by Peterka, in order to provide a data structure which has a faster searching mechanism to access controlled objects or the requested functionalities and to accommodate and arrange a list of permitted users and methods in each node and accordingly provide a respond for the required permission efficiently.

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Conclusion

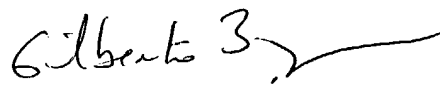
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 703-305-8745. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 703-305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAMSON LEMMA

09/20/2004


GILBERTO BARRON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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